

REMARKS

Applicants hereby claim priority pursuant to 35 U.S.C. § 120 to co-pending U.S. Application No. 08/521,660. Claims 1-8, 10-12, and 16-25 remain pending the subject application. Claims 26-46 have been added. Applicants respectfully request entry of the above amendments to the specification and claims. The specification has been amended to properly claim priority to a related application commonly owned by Oracle and which was previously cross-referenced at the time of filing. It is respectfully submitted that the claims as amended are supported in the application. No new matter has been added.

Claim Rejections under 35 U.S.C. § 103(a)

Claims 1-8, 10-12, and 16-25 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Verkler et al. (U.S. Patent No. 5,850,517) in view of Eggleston et al. (U.S. Patent No. 5,958,006). Applicants respectfully traverse the rejection.

Applicants respectfully submit that under 35 U.S.C. § 103(c), Verkler cannot be relied upon for an obviousness rejection because the present application and Verkler were, at the time the invention was made, commonly owned by Oracle Corporation. See MPEP § 706.02(l)(1) ("35 U.S.C. § 103(c) applies to all utility, design, and plant patent applications filed on or after November 29, 1999, including continuing applications filed under 37 CFR 1.53(b), continued prosecution application filed under 37 CFR 1.53(d), and reissues."). A continued prosecution application under 37 CFR 1.53(d) of the subject application was filed on April 5, 2000. Thus, Applicants respectfully request withdrawal of the rejection.

Claims 26-46

Claims 26-46 were previously rejected under 35 U.S.C. §§ 102(e) and 103(a) in the Office Action dated June 22, 2000 in view of the Verkler reference (U.S. Patent No. 5,850,517). For at least the reasons stated above, a 103(a) rejection cannot stand. And in light of the present claim of priority, a 102(e) rejection

is rendered moot. As such, Applicants respectfully submit that new claims 26-46 are in proper form for allowance.

CONCLUSION

On the basis of the above amendments and remarks, reconsideration and allowance of the claims is believed to be warranted and such action is respectfully requested. If the Examiner has any questions or comments, the Examiner is respectfully urged to contact the undersigned at the number listed below.


Respectfully submitted,

Bingham McCutchen LLP

Dated: _____

9/9/02

By: _____


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